

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re EVOLUS, INC. SECURITIES
LITIGATION**

Civil Action No. 1:20-cv-08647-PGG

**STIPULATION AND [PROPOSED] ORDER
EXTENDING PAGE LIMITS FOR MEMORANDA
OF LAW IN CONNECTION WITH MOTION TO DISMISS**

WHEREAS, under the November 13, 2020 Stipulation and Order (the “Scheduling Stipulation”), plaintiffs filed a 76-page Amended Class Action Complaint on November 16, 2021;

WHEREAS, the Amended Complaint alleges violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78a, *et seq.*, and Rule 10b-5 thereunder, on behalf of a putative class of Evolus, Inc. shareholders;

WHEREAS, the Amended Complaint alleges misrepresentations and omissions over a 17-month period, from February 1, 2019, through July 6, 2020, involving the development of Evolus’s medical-aesthetics product and litigation over a competitor’s allegations of trade-secret misappropriation;

WHEREAS, under the Scheduling Stipulation, the Evolus Defendants’ motion to dismiss is due January 18, 2022;

WHEREAS, under the Court’s Individual Rules of Practice, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages;

WHEREAS, in view of the Amended Complaint's scope, complexity, and allegations, the parties believe that a five-page extension to these page limits is warranted to provide the necessary factual background and adequately brief the legal issues;

WHEREAS, this is the first request for an extension of page limits in connection with the Evolus Defendants' motion to dismiss;

NOW, THEREFORE, PLAINTIFFS AND THE EVOLUS DEFENDANTS HEREBY STIPULATE AND AGREE, through their undersigned counsel, subject to the Court's approval, as follows:

1. The Evolus Defendants' memorandum of law in support of, and plaintiffs' memorandum of law in opposition to, the Evolus Defendants' motion to dismiss shall not exceed 30 pages.
2. The Evolus Defendants' reply memorandum of law in further support of their motion to dismiss shall not exceed 15 pages.

Dated: January 11, 2022

/s/ Jonathan Rosenberg

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Lead Counsel for Plaintiffs

APPROVED AND SO ORDERED:

Dated: _____

PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE